

House Calendar No. 242

103D CONGRESS  
2D SESSION

**H. R. 4778**

[Report No. 103-831]

**A BILL**

To codify without substantive change recent laws related to transportation and to improve the United States Code.

OCTOBER 4, 1994

Referred to the House Calendar and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

JULY 18, 1994

Mr. BROOKS introduced the following bill; which was referred to the  
Committee on the Judiciary

OCTOBER 4, 1994

Reported with an amendment, referred to the House Calendar, and  
ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on July 18, 1994]

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**A BILL**

To codify without substantive change recent laws related to transportation and  
to improve the United States Code.

- 1 *Be it enacted by the Senate and House of Representatives of the United*
- 2 *States of America in Congress assembled,*

**SECTION 1. TITLE 11, UNITED STATES CODE.**

*Section 365 of title 11, United States Code, is amended as follows:*

*(1) In subsection (d)(6)(C), strike “section 101 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1301)” and substitute “section 40102(a) of title 49”.*

*(2) In subsection (p), strike “section 101(3) of the Federal Aviation Act of 1958” and substitute “section 40102(a) of title 49”.*

**SEC. 2. TITLE 18, UNITED STATES CODE.**

*Title 18, United States Code, is amended as follows:*

*(1) In section 2333(b), strike “section 902(i), (k), (l), (n), or (r) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472(i), (k), (l), (n), or (r))” and substitute “section 46314, 46502, 46505, or 46506 of title 49”.*

*(2) In section 2340(3), strike “section 101(38) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301(38))” and substitute “section 46501(2) of title 49”.*

**SEC. 3. TITLE 23, UNITED STATES CODE.**

*Title 23, United States Code, is amended as follows:*

*(1) In section 103(i)(3), strike “the Federal Transit Act” and substitute “chapter 53 of title 49”.*

*(2) In section 108(d)(2)(F), strike “section 4(f) of the Department of Transportation Act” and substitute “section 303 of title 49”.*

*(3) In section 127(d)(2)(A), strike “sections 411, 412, and 416 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311, 2312, and 2316)” and substitute “sections 31111–31114 of title 49”.*

*(4) In section 133(b)(2), strike “the Federal Transit Act” and substitute “chapter 53 of title 49”.*

*(5) Section 134 is amended as follows:*

*(A) In subsections (h)(5) and (i)(3) and (4), strike “the Federal Transit Act” and substitute “chapter 53 of title 49”.*

*(B) In subsection (i)(5), strike “section 9 of the Federal Transit Act” wherever it appears and “section 8(o) of the Federal Transit Act” and substitute “section 5336 of title 49” and “section 5306(a) of title 49”, respectively.*

*(C) In subsections (k)–(m), strike “the Federal Transit Act” wherever it appears and substitute “chapter 53 of title 49”.*

*(D) In subsection (k), strike “Federal Transit Act funds” and substitute “chapter 53 funds”.*

*(6) Section 135 is amended as follows:*

*(A) In subsection (f)(2), strike “the Federal Transit Act” and substitute “chapter 53 of title 49”.*

1           (B) In subsection (h), strike “section 8 of the Federal Transit Act,  
2           United States Code” and “section 8 of such Act” and substitute  
3           “sections 5303–5306 and 5323(k) of title 49” and “sections 5303–  
4           5306 and 5323(k)”, respectively.

5           (7) In section 141(b), strike “section 411(j) of the Surface Transpor-  
6           tation Assistance Act of 1982 (49 U.S.C. App. 2311(j))” and substitute  
7           “section 31112 of title 49”.

8           (8) In section 303(c), strike “the Federal Transit Act” and substitute  
9           “chapter 53 of title 49”.

10          (9) In section 303(d), strike “the Federal Transit Act” and “such Act”  
11          and substitute “chapter 53 of title 49” and “chapter 53”, respectively.

12          (10) In section 307(e)(13), strike “section 26(a)(1) of the Federal  
13          Transit Act” and substitute “section 5313(a) of title 49”.

14          **SEC. 4. TITLE 26, UNITED STATES CODE.**

15          Section 9503(e)(3)(A) of the Internal Revenue Code of 1986 (26 U.S.C.  
16          9503(e)(3)(A)) is amended by striking “paragraph (1) or (3) of subsection (a),  
17          or paragraph (1) or (3) of subsection (b), of section 21 of the Federal Transit  
18          Act” and substituting “section 5338(a)(1) or (b)(1) of title 49”.

19          **SEC. 5. TITLE 39, UNITED STATES CODE.**

20          Section 5402(g)(1)(A) of title 39, United States Code, is amended by strik-  
21          ing “section 401 of the Federal Aviation Act of 1958 (49 U.S.C. 1371)” and  
22          substituting “section 41102(a) of title 49”.

23          **SEC. 6. TITLE 49, UNITED STATES CODE.**

24          Title 49, United States Code, is amended as follows:

25               (1) In section 112(e), strike “the date of the enactment of this section”  
26               and substitute “October 24, 1992”.

27               (2) In section 321, strike “; respectively”.

28               (3) Section 5103(b)(2) is amended as follows:

29                     (A) Strike “include” and substitute “be conducted under section  
30                     553 of title 5, including”.

31                     (B) Strike “presentations” and substitute “presentation”.

32               (4) In section 5104(a)(1), insert “applicable” after “each”.

33               (5) In section 5115(b)(1)(C), strike “126” and substitute “126(g)”.

34               (6) In section 5125(a) and (b)(1), insert “and unless authorized by  
35               another law of the United States” after “section”.

36               (7) Section 5307(d) is amended as follows:

37                     (A) In clause (1)(D), strike “chapter” and substitute “section”.

38                     (B) In clause (1)(E)(iii), strike “Buy-American” and substitute  
39                     “Buy America”.

40               (8) In section 5318(e), insert “Uniform” before “Relocation”.

(9) In section 5320(g)(2), strike “paragraph (1)(C) of this section” and substitute “paragraph (1)(C) of this subsection”.

(10) Section 5323 is amended as follows:

(A) In the catchline for subsection (j), strike “AMERICAN” and substitute “AMERICA”.

(B) Add at the end of the section the following:

“(1) *PREAWARD AND POSTDELIVERY REVIEW OF ROLLING STOCK PURCHASES.*—The Secretary of Transportation shall prescribe regulations requiring a preaward and postdelivery review of a grant under this chapter to buy rolling stock to ensure compliance with Government motor vehicle safety requirements, subsection (j) of this section, and bid specifications requirements of grant recipients under this chapter. Under this subsection, independent inspections and review are required, and a manufacturer certification is not sufficient.”.

(11) In section 5326(a)(3), strike “regulations” and substitute “guidelines”.

(12) In section 5327(c)(1), strike “of that Act” and substitute “or that Act”.

(13) In section 5331(a)(3), strike “subchapter III of chapter 201 or section 31306” and substitute “section 20140 or 31306”.

(14) In section 5337(a)(4), strike “section 5336(B)(2)(A)” and substitute “section 5336(b)(2)(A) of this title”.

(15) In the catchline of section 5565, insert “**certain**” after “**converting**”.

(16) In section 11301(b)(1), strike “subchapter I of chapter 2A, chapter 2B, and subchapter I of chapter 2D of title 15” and substitute “the Securities Act of 1933 (15 U.S.C. 77a et seq.), the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), and the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.)”.

(17) In section 11348(a), strike “(l)(1)” and substitute “(m)(1)”.

(18) In section 11706(d), strike “that limitation periods” and substitute “those limitation periods”.

(19) In section 20136(2), strike “subsection” and substitute “section”.

(20) In section 22108(a)(3), insert “under this subsection” after “appropriated”.

(21) Section 24501 is amended as follows:

(A) In subsection (f), strike “(f) *EXEMPTION FROM ADDITIONAL TAXES.*—(1)” through the end of paragraph (1) and substitute the following:

“(f) *EXEMPTION FROM ADDITIONAL TAXES.*—(1) In this subsection—

“(A) ‘additional tax’ means a tax or fee—

1           “(i) on the acquisition, improvement, ownership, or operation of  
2           personal property by Amtrak Commuter; and

3           “(ii) on real property, except a tax or fee on the acquisition of  
4           real property or on the value of real property not attributable to  
5           improvements made, or the operation of those improvements, by  
6           Amtrak Commuter.

7           “(B) ‘Amtrak Commuter’ includes a rail carrier subsidiary of Amtrak  
8           Commuter and a lessor or lessee of Amtrak Commuter or one of its rail  
9           carrier subsidiaries.”.

10           (B) In subsection (f)(2), insert “, even if that use is indirect”  
11           after “transportation”.

12           (22) In section 24904(a)(2), insert “, by condemnation or otherwise,”  
13           after “acquire”.

14           (23) Sections 30141(c)(4)(A) and 30165(a) are amended as follows:

15           (A) Strike “section 30112” and substitute “any of sections  
16           30112”.

17           (B) Insert “any of” before “those sections” each place it appears.

18           (24) In section 30166(h), strike “the judicial” and substitute “any ju-  
19           dicial”.

20           (25) In section 30308(b), strike “appropriated” and substitute “au-  
21           thorized”.

22           (26) In section 31501(1), strike “section 203(f)” and substitute “sec-  
23           tion 3(f)”.

24           (27) In section 32101, the matter before clause (1) is amended to read  
25           as follows:

26           “In this part (except chapter 329 and except as provided in section  
27           33101)—”.

28           (28) Item 32309 in the analysis of chapter 323 is amended to read  
29           as follows:

“32309. Civil penalty for labeling violations.”.

30           (29) Section 32304(a)(11) is amended to read as follows:

31           “(11) ‘passenger motor vehicle’ has the same meaning given that term  
32           in section 32101(10) of this title, except that it includes any multipur-  
33           pose vehicle or light duty truck when that vehicle or truck is rated at  
34           not more than 8,500 pounds gross vehicle weight.”.

35           (30) Section 32304(a)(14) is amended as follows:

36           (A) Insert “the Northern Mariana Islands,” after “Puerto Rico,”.

37           (B) Strike “the Canal Zone,”.

38           (31) In the catchline of section 32309, strike “**Criminal**” and sub-  
39           stitute “**Civil**”.

1           (32) In section 32505(b)(3), strike “the judicial” and “was conducted”  
2           and substitute “any judicial” and “is conducted”, respectively.

3           (33) In section 32703(3), strike “public”.

4           (34) Section 32705(c)(2)(A) is amended to read as follows:

5           “(A) the lessee’s mileage disclosure requirements under paragraph (1)  
6           of this subsection; and”.

7           (35) In section 32706(e)(3), strike “the judicial” and “was conducted”  
8           and substitute “any judicial” and “is conducted”, respectively.

9           (36) Section 32904(b) is amended as follows:

10           (A) Redesignate paragraphs (3)–(6) as paragraphs (5)–(8), re-  
11           spectively.

12           (B) Strike “(b) SEPARATE CALCULATIONS FOR PASSENGER  
13           AUTOMOBILES MANUFACTURED DOMESTICALLY AND NOT DOMESTI-  
14           CALLY.—(1)” through the end of paragraph (2) and substitute the  
15           following:

16           “(b) SEPARATE CALCULATIONS FOR PASSENGER AUTOMOBILES MANUFAC-  
17           TURED DOMESTICALLY AND NOT DOMESTICALLY.—(1)(A) Except as provided  
18           in paragraphs (6) and (7) of this subsection, the Administrator shall make  
19           separate calculations under subsection (a)(1)(B) of this section for—

20           “(i) passenger automobiles manufactured domestically by a manufac-  
21           turer (or included in this category under paragraph (5) of this sub-  
22           section); and

23           “(ii) passenger automobiles not manufactured domestically by that  
24           manufacturer (or excluded from this category under paragraph (5) of  
25           this subsection).

26           “(B) Passenger automobiles described in subparagraph (A)(i) and (ii) of  
27           this paragraph are deemed to be manufactured by separate manufacturers  
28           under this chapter.

29           “(2) In this subsection (except as provided in paragraph (3)), a passenger  
30           automobile is deemed to be manufactured domestically in a model year if at  
31           least 75 percent of the cost to the manufacturer is attributable to value added  
32           in the United States or Canada, unless the assembly of the automobile is com-  
33           pleted in Canada and the automobile is imported into the United States more  
34           than 30 days after the end of the model year.

35           “(3)(A) In this subsection, a passenger automobile is deemed to be manu-  
36           factured domestically in a model year, as provided in subparagraph (B) of  
37           this paragraph, if at least 75 percent of the cost to the manufacturer is attrib-  
38           utable to value added in the United States, Canada, or Mexico, unless the as-  
39           sembly of the automobile is completed in Canada or Mexico and the auto-  
40           mobile is imported into the United States more than 30 days after the end  
41           of the model year.

1       “(B) Subparagraph (A) of this paragraph applies to automobiles manufac-  
 2       tured by a manufacturer and sold in the United States, regardless of the place  
 3       of assembly, as follows:

4           “(i) A manufacturer that began assembling automobiles in Mexico be-  
 5       fore model year 1992 may elect, during the period from January 1, 1997,  
 6       through January 1, 2004, to have subparagraph (A) of this paragraph  
 7       apply to all automobiles manufactured by that manufacturer beginning  
 8       with the model year that begins after the date of the election.

9           “(ii) For a manufacturer that began assembling automobiles in Mexico  
 10       after model year 1991, subparagraph (A) of this paragraph applies to  
 11       all automobiles manufactured by that manufacturer beginning with the  
 12       model year that begins after January 1, 1994, or the model year begin-  
 13       ning after the date the manufacturer begins assembling automobiles in  
 14       Mexico, whichever is later.

15          “(iii) A manufacturer not described in clause (i) or (ii) of this sub-  
 16       paragraph that assembles automobiles in the United States or Canada,  
 17       but not in Mexico, may elect, during the period from January 1, 1997,  
 18       through January 1, 2004, to have subparagraph (A) of this paragraph  
 19       apply to all automobiles manufactured by that manufacturer beginning  
 20       with the model year that begins after the date of the election. However,  
 21       if the manufacturer begins assembling automobiles in Mexico before mak-  
 22       ing an election under this subparagraph, this clause does not apply, and  
 23       the manufacturer is subject to clause (ii) of this subparagraph.

24          “(iv) For a manufacturer that does not assemble automobiles in the  
 25       United States, Canada, or Mexico, subparagraph (A) of this paragraph  
 26       applies to all automobiles manufactured by that manufacturer beginning  
 27       with the model year that begins after January 1, 1994.

28          “(v) For a manufacturer described in clause (i) or (iii) of this sub-  
 29       paragraph that does not make an election within the specified period,  
 30       subparagraph (A) of this paragraph applies to all automobiles manufac-  
 31       tured by that manufacturer beginning with the model year that begins  
 32       after January 1, 2004.

33       “(C) The Secretary of Transportation shall prescribe reasonable procedures  
 34       for elections under subparagraph (B) of this paragraph.

35       “(4) In this subsection, the fuel economy of a passenger automobile that is  
 36       not manufactured domestically is deemed to be equal to the average fuel econ-  
 37       omy of all passenger automobiles manufactured by the same manufacturer  
 38       that are not manufactured domestically.”.

39           (C) In paragraph (5)(B), as redesignated by subparagraph (A)  
 40       of this paragraph, strike “paragraph (2)(A)(i) and exclude under



paragraph (2)(A)(ii)” and substitute “paragraph (1)(A)(i) and exclude under paragraph (1)(A)(ii)”.

(D) In paragraph (6)(A), as redesignated by subparagraph (A) of this paragraph, strike “paragraph (2)(A)” and substitute “paragraph (1)(A)”.

(37) In section 32908(b)(1), insert “on the automobile” after “maintain the label”.

(38) In section 32909(a)(1), strike “section 32901–32904” and substitute “any of sections 32901–32904”.

(39) In section 32910(b), strike “the judicial” and “was conducted” and substitute “any judicial” and “is conducted”, respectively.

(40) In section 32911(a), strike “, and 32917(b)” and substitute “, 32917(b), and 32918”.

(41) Section 32913(b)(1) is amended as follows:

(A) In the catchline, strike “PENALTY REDUCTION” and substitute “CERTIFICATION”.

(B) Strike “the penalty should be reduced” and substitute “a reduction in the penalty is necessary”.

(42) Section 32916(b) is amended as follows:

(A) In paragraph (1), in the matter before clause (A), strike “section 32904(b)(4)” each place it appears and substitute “section 32904(b)(6)”.

(B) In paragraph (1)(E), strike “section 32904(b)(1)(A)” and substitute “section 32904(b)(2)”.

(C) In paragraph (2), strike “section 32904(b)(4)” and substitute “section 32904(b)(6)”.

(43)(A) Section 32918 is redesignated as section 32919.

(B) Insert after section 32917 the following:

**“§32918. Retrofit devices**

“(a) *DEFINITION.*—In this section, the term ‘retrofit device’ means any component, equipment, or other device—

“(1) that is designed to be installed in or on an automobile (as an addition to, as a replacement for, or through alteration or modification of, any original component, equipment, or other device); and

“(2) that any manufacturer, dealer, or distributor of the device represents will provide higher fuel economy than would have resulted with the automobile as originally equipped,

as determined under regulations of the Administrator of the Environmental Protection Agency. The term also includes a fuel additive for use in an automobile.

“(b) *EXAMINATION OF FUEL ECONOMY REPRESENTATIONS.*—The Federal Trade Commission shall establish a program for systematically examining fuel economy representations made with respect to retrofit devices. Whenever the Commission has reason to believe that any representation may be inaccurate, the Commission shall request the Administrator to evaluate, in accordance with subsection (c) of this section, the retrofit device with respect to which the representation was made.

“(c) *EVALUATION OF RETROFIT DEVICES.*—(1) On application of any manufacturer of a retrofit device (or prototype of a retrofit device), on request of the Commission under subsection (b) of this section, or on the motion of the Administrator, the Administrator shall evaluate, in accordance with regulations prescribed under subsection (e) of this section, any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations, if any, made with respect to the retrofit device are accurate.

“(2) If under paragraph (1) of this subsection, the Administrator tests, or causes to be tested, any retrofit device on the application of a manufacturer of the device, the manufacturer shall supply, at the manufacturer’s expense, one or more samples of the device to the Administrator and shall be liable for the costs of testing incurred by the Administrator. The procedures for testing retrofit devices so supplied may include a requirement for preliminary testing by a qualified independent testing laboratory, at the expense of the manufacturer of the device.

“(d) *RESULTS OF TESTS AND PUBLICATION IN FEDERAL REGISTER.*—(1) The Administrator shall publish in the Federal Register a summary of the results of all tests conducted under this section, together with the Administrator’s conclusions as to—

“(A) the effect of any retrofit device on fuel economy;

“(B) the effect of the device on emissions of air pollutants; and

“(C) any other information the Administrator determines to be relevant in evaluating the device.

“(2) The summary and conclusions shall also be submitted to the Secretary of Transportation and the Commission.

“(e) *REGULATIONS ESTABLISHING TESTS AND PROCEDURES FOR EVALUATION OF RETROFIT DEVICES.*—The Administrator shall prescribe regulations establishing—

“(1) testing and other procedures for evaluating the extent to which retrofit devices affect fuel economy and emissions of air pollutants; and

“(2) criteria for evaluating the accuracy of fuel economy representations made with respect to retrofit devices.”.

(C) In the analysis of chapter 329, strike item 32918 and substitute—

*“32918. Retrofit devices.*

*“32919. Preemption.”.*

1           (44) *Section 33101(2) is amended as follows:*

2                     (A) *Strike “sections 33102(c)(1) and” and substitute “section”.*

3                     (B) *Add at the end “of this title”.*

4           (45) *In section 33106(b)(3), strike “subparagraph (2)(B) or (C) of this*  
5 *paragraph” and substitute “paragraph (2)(B) or (C) of this subsection”.*

6           (46) *In section 40102(a)(30), strike “subparts I and III” and sub-*  
7 *stitute “this subpart and subpart III”.*

8           (47) *Section 40104 is amended as follows:*

9                     (A) *Insert at the beginning of the text of the section the following:*

10                    *“(a) DEVELOPING CIVIL AERONAUTICS AND AIR COMMERCE.—”.*

11                     (B) *Strike “section” and substitute “subsection”.*

12                     (C) *Add at the end the following:*

13                    *“(b) DEVELOPING AND CONSTRUCTING CIVIL SUPERSONIC AIRCRAFT.—The*  
14 *Secretary of Transportation may develop and construct a civil supersonic air-*  
15 *craft.”.*

16           (48) *Section 40110(a) is amended as follows:*

17                     (A) *In the matter before clause (1), strike “may”.*

18                     (B) *In clause (1)—*

19                         (i) *strike “acquire,”; and*

20                         (ii) *strike “services or” and substitute “may acquire services*  
21 *or, by condemnation or otherwise,”.*

22                     (C) *In clause (2), insert “may” before “dispose”.*

23                     (D) *In clause (3), insert “may” before “construct”.*

24           (49) *In section 41103(a), strike “all-property” and substitute “all-*  
25 *cargo”.*

26           (50) *Section 41110(e) is amended to read as follows:*

27                    *“(e) CONTINUING REQUIREMENTS.—(1) To hold a certificate issued under*  
28 *section 41102 of this title, an air carrier must continue to be fit, willing, and*  
29 *able to provide the transportation authorized by the certificate and to comply*  
30 *with this part and regulations of the Secretary.*

31                    *“(2) After notice and an opportunity for a hearing, the Secretary shall*  
32 *amend, modify, suspend, or revoke any part of a certificate issued under sec-*  
33 *tion 41102 of this title if the Secretary finds that the air carrier—*

34                         *“(A) is not fit, willing, and able to provide the transportation author-*  
35 *ized by the certificate and to comply with this part and regulations of*  
36 *the Secretary; or*

37                         *“(B) does not file reports necessary for the Secretary to decide if the*  
38 *carrier is complying with the requirements of clause (A) of this para-*  
39 *graph.”.*

1           (51)(A) Chapter 413 is amended by adding immediately after section  
2           41311 the following:

3           **“§41312. Ending or suspending foreign air transportation**

4           “(a) *GENERAL.*—An air carrier holding a certificate issued under section  
5           41102 of this title to provide foreign air transportation—

6           “(1) may end or suspend the transportation to a place under the cer-  
7           tificate only when the carrier gives at least 90 days notice of its inten-  
8           tion to end or suspend the transportation to the Secretary, any commu-  
9           nity affected by that decision, and the State authority of the State in  
10          which a community is located; and

11          “(2) if it is the only air carrier holding a certificate to provide non-  
12          stop or single-plane foreign air transportation between 2 places, may end  
13          or suspend the transportation between those places only when the carrier  
14          gives at least 60 days notice of its intention to end or suspend the trans-  
15          portation to the Secretary and each community directly affected by that  
16          decision.

17          “(b) *TEMPORARY SUSPENSION.*—The Secretary may authorize the tem-  
18          porary suspension of foreign air transportation under subsection (a) of this  
19          section when the Secretary finds the suspension is in the public interest.”.

20          (B) The analysis of chapter 413 is amended by adding immediately  
21          after item 41311 the following:

“41312. Ending or suspending foreign air transportation.”.

22          (52) The chapter heading for chapter 417 is amended to read as fol-  
23          lows:

24          **“CHAPTER 417—OPERATIONS OF CARRIERS”.**

25          (53) In section 41715(d)(1), strike “41731(a)(3)” and substitute  
26          “41731(a)(4)”.

27          (54) In section 44502(b), insert “Government” before “money may be  
28          expended”.

29          (55) In section 44701(d) and (e), strike “section 44702–44716” and  
30          substitute “any of sections 44702–44716”.

31          (56) In sections 44711(a)(2)(B), (5), and (7) and 46310(b), insert  
32          “any of sections” before “44702–44716”.

33          (57) In section 44937, strike “44906(a)(1) or (b)” and substitute  
34          “44906”.

35          (58) In section 45105(a), strike “section 45102(a)(1)(A)” and sub-  
36          stitute “section 45102(a)(1)”.

37          (59) Section 45302 is amended by adding at the end the following:

38          “(e) *EFFECTIVE DATE.*—A fee may not be imposed under this section before  
39          the date on which the regulations prescribed under sections 44111(d),  
40          44703(f)(2), and 44713(d)(2) of this title take effect.”.

(60)(A) Insert after section 45303 the following:

**“CHAPTER 455—TIME LIMITATIONS ON BRINGING  
CERTAIN CIVIL ACTIONS**

“Sec.

“45501. Accidents involving general aviation aircraft.

**“§ 45501. Accidents involving general aviation aircraft**

“(a) DEFINITIONS AND APPLICATION.—(1) In this section—

“(A) ‘airworthiness certificate’ means an airworthiness certificate issued under section 44704(c) of this title.

“(B) ‘general aviation aircraft’ means an aircraft—

“(i) for which the Administrator of the Federal Aviation Administration has issued a type certificate or airworthiness certificate;

“(ii) that had a maximum seating capacity of fewer than 20 passengers when the certificate originally was issued; and

“(iii) that, at the time of the accident, was not engaged in scheduled passenger-carrying operations, as defined under regulations in effect under part A of this subtitle at the time of the accident.

“(C) ‘type certificate’ means a type certificate issued under section 44704(a) of this title.

“(2) This section applies only to a civil action brought after August 16, 1994.

“(b) GENERAL.—A civil action for damages for death or injury to individuals or damage to property arising out of an accident involving a general aviation aircraft may be brought against the manufacturer of the aircraft or the manufacturer of a new component, system, subassembly, or other part of the aircraft, in its capacity as a manufacturer, only if the accident occurs during the 18-year period beginning on the date—

“(1)(A) the aircraft is delivered to the first purchaser or lessee, if delivered directly from the manufacturer; or

“(B) of first delivery of the aircraft to a person that sells or leases general aviation aircraft; or

“(2) the replacement of a component, system, subassembly, or other part originally in the aircraft by, or the addition of, a new component, system, subassembly, or other part alleged to have caused the death, injury or damage, is completed.

“(c) EXCEPTIONS.—Subsection (b) of this section does not apply—

“(1) if the claimant pleads with specificity the information necessary to prove, and proves, that, with respect to a type or airworthiness certificate for, or obligations related to the continuing airworthiness of, an aircraft or a component, system, subassembly, or other part of an aircraft, the manufacturer knowingly misrepresented to, or concealed or withheld

from, the Administrator, required information that is material or relevant to the performance, maintenance, or operation of the aircraft, component, system, subassembly, or other part that causally is related to the harm the claimant allegedly suffered;

“(2) if the individual for whose injury or death the claim is being made is a passenger for purposes of receiving treatment for a medical or other emergency or was not on the aircraft at the time of the accident; or

“(3) to an action brought under a written warranty enforceable under law except for this section.

“(d) *RELATIONSHIP TO OTHER LAWS.*—This section supersedes State law to the extent the State law allows a civil action described in subsection (b) of this section to be brought after 18 years.”.

(B) In the analysis for subtitle VII, insert after item 453 the following: “455. *TIME LIMITATIONS ON BRINGING CERTAIN CIVIL ACTIONS* ..... 45501”.

(61) In section 46301—

(A) in subsection (a)(1)(A), strike “section 41301–41306” and “section 44701(a)” and substitute “any of sections 41301–41306” and “any of sections 44701(a)”, respectively;

(B) in subsections (a)(2)(A), (d)(2), and (f)(1)(A)(i), strike “section 44701(a)” and substitute “any of sections 44701(a)”; and

(C) in subsection (c)(1)(A), strike “section 41301–41306” and substitute “any of sections 41301–41306”.

(62) In section 46502(a)(2)(B) and (b)(1)(B), insert “notwithstanding section 3559(b) of title 18,” before “if the death”.

(63) In section 47101(a)(12), strike “Act” and substitute “subchapter”.

(64) Section 47104(c) is amended to read as follows:

“(c) *EXPIRATION OF AUTHORITY.*—After September 30, 1996, the Secretary may not incur obligations under subsection (b) of this section, except for obligations of amounts—

“(1) remaining available after that date under section 47117(b) of this title; or

“(2) recovered by the United States Government from grants made under this chapter if the amounts are obligated only for increases under section 47108(b)(2) and (3) of this title in the maximum amount of obligations of the Government for any other grant made under this title.”.

(65) Section 47110(b)(2) is amended to read as follows:

“(2)(A) if the cost is incurred after the grant agreement is executed and is for airport development or airport planning carried out after the grant agreement is executed;

1       “(B) if the cost is incurred after June 1, 1989, by the airport operator  
 2       (regardless of when the grant agreement is executed) as part of a Govern-  
 3       ment-approved noise compatability program (including project formula-  
 4       tion costs) and is consistent with all applicable statutory and adminis-  
 5       trative requirements; or

6       “(C) if the Government’s share is paid only with amounts apportioned  
 7       under section 47114(c)(1)(A) and (2) of this title and if the cost is in-  
 8       curred—

9               “(i) during the fiscal year ending September 30, 1994;

10              “(ii) before a grant agreement is executed for the project but ac-  
 11              cording to an airport layout plan the Secretary approves before the  
 12              cost is incurred and all applicable statutory and administrative re-  
 13              quirements that would apply to the project if the agreement had  
 14              been executed; and

15              “(iii) for work related to a project for which a grant agreement  
 16              previously was executed during the fiscal year ending September 30,  
 17              1994.”.

18       (66) In section 47113(a)(2), strike “section 8(c) of the Act (15 U.S.C.  
 19       637(c))” and “under section 8(c)” and substitute “section 8(d) of the Act  
 20       (15 U.S.C. 637(d))” and “under section 8(d)”, respectively.

21       (67) Section 47114(c) is amended as follows:

22              (A) In paragraph (1)(B), strike “\$400,000” and substitute  
 23              “\$500,000”.

24              (B) In paragraph (3)—

25                      (i) insert “(A)” after “(3)”;

26                      (ii) strike “The” and substitute “Except as provided in sub-  
 27                      paragraph (B) of this paragraph, the”;

28                      (iii) strike “44” each place it appears and substitute “49.5”;

29                      (iv) strike “paragraph” and substitute “subparagraph”; and

30                      (v) insert after subparagraph (A) the following new subpara-  
 31                      graph:

32              “(B) If a law limits the amount subject to apportionment to less than  
 33       \$1,900,000,000 for a fiscal year, the total of all amounts apportioned under  
 34       paragraphs (1) and (2) of this subsection may not be more than 44 percent  
 35       of the amount subject to apportionment for that fiscal year. If this subpara-  
 36       graph requires reduction of an amount that otherwise would be apportioned  
 37       under this subsection, the Secretary shall reduce proportionately the amount  
 38       apportioned to each sponsor of an airport under paragraphs (1) and (2) until  
 39       the 44 percent limit is achieved.”.

40       (68) Section 47115 is amended by adding at the end the following:

“(f) *MINIMUM AMOUNT TO BE CREDITED.*—(1) In a fiscal year, at least \$325,000,000 of the amount made available under section 48103 of this title shall be credited to the fund. The amount credited is exclusive of amounts that have been apportioned in a prior fiscal year under section 47114 of this title and that remain available for obligation.

“(2) In a fiscal year in which the amount credited under subsection (a) of this section is less than \$325,000,000, the total amount calculated under paragraph (3) of this subsection shall be reduced by an amount that, when credited to the fund, together with the amount credited under subsection (a), equals \$325,000,000.

“(3) For a fiscal year, the total amount available to reduce to carry out paragraph (2) of this subsection is the total of the amounts determined under sections 47114(c)(1)(A) and (2) and (d) and 47117(e) of this title. Each amount shall be reduced by an equal percentage to achieve the reduction.”.

(69) Section 47117(e) is amended as follows:

(A) In paragraph (1)(A), strike “10” and substitute “5”.

(B) In paragraph (1)(C), strike “2.5” and substitute “1.5”.

(C) In paragraph (1)(D), strike “.5” and substitute “.75”.

(D) In paragraph (2), strike “2.5” and substitute “1.5”.

(70) Section 47119(b) is amended as follows:

(A) Redesignate clause (3) as clause (4).

(B) Strike clause (2) and substitute the following:

“(2) on approval of the Secretary, not more than \$200,000 of the amount that may be distributed for the fiscal year from the discretionary fund established under section 47115 of this title—

“(A) to a sponsor of a nonprimary commercial service airport to pay project costs allowable under section 47110(d) of this title; and

“(B) to a sponsor of a reliever airport for the types of project costs allowable under section 47110(d), including project costs allowable for a commercial service airport that each year does not have more than .05 percent of the total boardings in the United States;

“(3) for use by a primary airport that each year does not have more than .05 percent of the total boardings in the United States, any part of amounts that may be distributed for the fiscal year from the discretionary fund and small airport fund to pay project costs allowable under section 47110(d) of this title; or”.

(71) In section 47128(c), strike “subsection (b)(2) or (3)” and substitute “subsection (b)(1)(B) or (C)”.

(72) Section 47504(c) is amended as follows:

(A) In paragraph (1)(A), add “and” after the semicolon.



1           (B) In paragraph (1)(B), strike the semicolon and substitute a  
2           period.

3           (C) Redesignate paragraph (1)(C) and (D) as paragraph (2)(C)  
4           and (D).

5           (D) In paragraph (2)(A)(iii), strike “and”.

6           (E) In paragraph (2)(B)(iii), strike the period and substitute a  
7           semicolon.

8           (F) In paragraph (2)(C) and (D), as redesignated, strike “an air-  
9           port operator or unit of local government referred to in clause (A)  
10          or (B) of this paragraph” and substitute “to an airport operator  
11          and unit of local government referred to in paragraph (1)(A) or  
12          (1)(B) of this subsection”.

13          (73)(A) Chapter 475 is amended by inserting after section 47509 the  
14          following:

15          **“§47510. Tradeoff allowance**

16          *“Notwithstanding another law or a regulation prescribed or order issued*  
17          *under that law, the tradeoff provisions contained in appendix C of part 36*  
18          *of title 14, Code of Federal Regulations, apply in deciding whether an aircraft*  
19          *complies with subpart I of part 91 of title 14.”.*

20          (B) The analysis of chapter 475 is amended by inserting immediately  
21          after item 47509 the following:

“47510. Tradeoff allowance.”.

22          (74) Section 47531 is amended as follows:

23               (A) Strike “sections 47528” and substitute “section 47528”.

24               (B) Insert “any of” before “those”.

25               (C) Insert “any of sections” before “44702–44716”.

26          (75) In section 47532, insert “any of” before “sections”.

27          (76) In section 60109(a)(2), strike “60102(c)” and substitute  
28          “60102(e)”.

29          (77) In section 60112(d), add “, including suspended or restricted use  
30          of the facility, physical inspection, testing, repair, replacement, or other  
31          appropriate action” after “action”.

32          (78) Section 60117(i) is amended as follows:

33               (A) Insert “(1)” before “After”.

34               (B) Add at the end the following:

35          “(2) In consultation with the Occupational Safety and Health Administra-  
36          tion, the Secretary shall establish procedures to notify the Administration of  
37          any pipeline accident in which an excavator that has caused damage to a  
38          pipeline may have violated a regulation of the Administration.”.

39          (79) The chapter heading for chapter 701 is amended to read as fol-  
40          lows:

**“CHAPTER 701—COMMERCIAL SPACE LAUNCH  
ACTIVITIES”.**

(80) The chapter heading for chapter 801 is amended to read as follows:

**“CHAPTER 801—BILLS OF LADING”.**

(81) In section 40110(b)(2)(A), insert “notwithstanding section 1341(a)(1) of title 31,” before “lease”.

(82) Section 41734(g)(2) is amended to read as follows:

“(2) the authority to be transferred is being used to provide air service to another eligible place.”.

**SEC. 7. TECHNICAL CHANGES TO OTHER LAWS.**

(a) Effective July 5, 1994—

(1) Section 708 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210, 90 Stat. 31) is repealed.

(2) Section 232A of the Act of October 12, 1984 (Public Law 98–473, 98 Stat. 2031), is repealed.

(3) Section 4 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1360), is amended as follows:

(A) In subsection (f)(1)(H), insert “of the 2d sentence” after “end”.

(B) Subsection (f)(1)(N) is repealed.

(C) Subsection (j)(5)(B) is amended to read as follows:

“(B) In the analysis of chapter 1, strike the 2 items 110 and item 111 and substitute—

“110. Saint Lawrence Seaway Development Corporation.

“111. Bureau of Transportation Statistics.”.

(D) Subsection (k)(3) is amended to read as follows:

“(3) In section 41902(b)—

“(A) strike clause (2);

“(B) redesignate clauses (3) and (4) as clauses (2) and (3), respectively; and

“(C) in clause (2), as redesignated, strike ‘clauses (1) and (2)’ and substitute ‘clause (1)’.”.

(E) Subsection (r)(1) is amended by striking “the Urban Mass Transportation Act of 1964,” and substituting “the Federal Transit Act.”.

(4) Section 5 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1374), is amended as follows:

(A) In subsection (e)(11), strike “ ‘section’ and” and substitute “ ‘section 1679a(c)(2)’ and”.

(B) In subsection (f)(1), strike “the Urban Mass Transportation Act of 1964” wherever it appears and substitute “the Federal Transit Act”.

(C) In subsection (f)(2), strike “the Urban Mass Transportation Act of 1964,” wherever it appears and substitute “the Federal Transit Act,”.

(D) In subsection (m)(25)(A), strike “the Urban Mass Transportation Act of 1964” and substitute “the Federal Transit Act”.

(5) The schedule of laws repealed contained in section 7(b) of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1395), related to the Act of December 22, 1987 (Public Law 100–202), is amended by striking out—

(A) “, 106” in the Section column;

(B) “, 1329–433” in the Statutes at Large Page column; and

(C) “, 2311” in the U.S. Code Section column.

Except with respect to the provisions of law restated as section 31111 of title 49, United States Code, as enacted by the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 993), the provisions of law within the purview of section 106 of the Act of December 22, 1987 (Public Law 100–202, 101 Stat. 1329–433), shall be effective as if Public Law 103–272 had not been enacted.

(b) Effective August 23, 1994, section 101 of the Airport Improvement Program Temporary Extension Act of 1994 (Public Law 103–260, 108 Stat. 698) is repealed.

(c) Effective August 26, 1994, section 119(d)(2) and (3) of the Hazardous Materials Transportation Authorization Act of 1994 (Public Law 103–311, 108 Stat. 1680) is amended to read as follows:

“(2) Section 5116(i)(1) is amended by striking ‘and section 5107(e) of this title’.

“(3) Section 5116(i)(3) is amended by striking ‘5107(e), 5108(g)(2),’ and substituting ‘5108(g)(2)’.”

(d) Section 9001(1)(D) of the Solid Waste Disposal Act (42 U.S.C. 6991(1)(D)) is amended to read as follows:

“(D) pipeline facility (including gathering lines)—

“(i) which is regulated under chapter 601 of title 49, United States Code, or

“(ii) which is an intrastate pipeline facility regulated under State laws as provided in chapter 601 of title 49, United States Code,

and which is determined by the Secretary to be connected to a pipeline or to be operated or intended to be capable of operating at pipeline pressure or as an integral part of a pipeline.”.

(e) *The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended as follows:*

(1) *In section 101(26), strike “pipeline” and substitute “a hazardous liquid pipeline facility”.*

(2) *In section 107(c)(1)(C), strike “pipeline” and substitute “hazardous liquid pipeline facility”.*

**SEC. 8. REPEAL OF OTHER LAWS.**

(1) *The last proviso of the 1st paragraph and the words after the last semicolon in the 2d paragraph under the heading “Civil Aeronautics Administration” in section 301 of the Act of June 3, 1948 (ch. 400, 62 Stat. 323, 324), are repealed.*

(2) *The 1st paragraph related to the transfer of aircraft and equipment and the last proviso of the 2d paragraph under the heading “Civil Aeronautics Administration” in section 301 of the Act of July 20, 1949 (ch. 354, 63 Stat. 464), are repealed.*

(3) *The 1st paragraph related to the transfer of aircraft and equipment and the last proviso of the 2d paragraph under the heading “Civil Aeronautics Administration”, and the proviso of the paragraph under the heading “Civil Aeronautics Board”, in section 301 of the Act of September 6, 1950 (ch. 896, 64 Stat. 621, 622, 624), are repealed.*

(4) *The 1st paragraph related to the transfer of aircraft and equipment and the last proviso of the 2d paragraph under the heading “Civil Aeronautics Administration”, and the proviso of the paragraph under the heading “Civil Aeronautics Board”, in section 301 of the Act of Oct. 22, 1951 (ch. 533, 65 Stat. 587, 588, 589), are repealed.*

(5) *The 1st paragraph related to the transfer of aircraft and equipment and the last proviso of the 2d paragraph under the heading “Civil Aeronautics Administration” in section 301 of the Act of July 10, 1952 (ch. 651, 66 Stat. 562), are repealed.*

(6) *Sections 404(f), 814, 815, and 901 of the Rail Passenger Service Act (Public Law 91–518, 84 Stat. 1327, 1341) are repealed.*

(7) *Section 7(c) of the Noise Control Act of 1972 (Public Law 92–574, 86 Stat. 1241) is repealed.*

(8) *Section 46 of the Airline Deregulation Act of 1978 (Public Law 95–504, 92 Stat. 1754) is repealed.*

(9) *Section 316 of the Surface Transportation Assistance Act of 1978 (Public Law 95–599, 92 Stat. 2751) is repealed.*

(10) Sections 207 and 210 of the National Driver Register Act of 1982 (Public Law 97-364, 96 Stat. 1745, 1747) are repealed.

(11) Section 144 of the Surface Transportation Assistance Act of 1982 (Public Law 97-424, 96 Stat. 2129) is repealed.

(12) Section 8 of the Civil Aeronautics Board Sunset Act of 1984 (Public Law 98-443, 98 Stat. 1706) is repealed.

(13) The Act of October 11, 1984 (Public Law 98-466, 98 Stat. 1825), is repealed.

(14) Sections 108(c) and 307 of the Pipeline Safety Reauthorization Act of 1988 (Public Law 100-561, 102 Stat. 2809, 2817) are repealed.

(15) Sections 1 and 15(a), (c), (e), (f), and (g)(2) of the Sanitary Food Transportation Act of 1990 (Public Law 101-500, 104 Stat. 1213, 1218, 1219, 1220, 1221) are repealed.

(16) Sections 1, 8, and 10 of the Independent Safety Board Act Amendments of 1990 (Public Law 101-641, 104 Stat. 4654, 4657, 4658) are repealed.

(17) Sections 11 and 13 of the Amtrak Authorization and Development Act (Public Law 102-533, 106 Stat. 3520, 3522) are repealed.

(18) Section 319 of the Department of Transportation and Related Agencies Appropriations Act, 1994 (Public Law 103-122, 107 Stat. 1222) is repealed.

**SEC. 9. EFFECTIVE DATE.**

The amendments made by sections 6(2)–(15), (19)–(35), (37)–(39), (41), (44)–(52), (54)–(59), (61)–(63), (66), 67(B), (71), (74)–(77), and (79)–(82) of this Act shall take effect on July 5, 1994.

**SEC. 10. LEGISLATIVE PURPOSE AND CONSTRUCTION.**

(a) *NO SUBSTANTIVE CHANGE.*—This Act restates, without substantive change, laws enacted before September 26, 1994, that were replaced by this Act. This Act may not be construed as making a substantive change in the laws replaced. Laws enacted after September 25, 1994, that are inconsistent with this Act supersede this Act to the extent of the inconsistency.

(b) *REFERENCES.*—A reference to a law replaced by this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this Act.

(c) *CONTINUING EFFECT.*—An order, rule, or regulation in effect under a law replaced by this Act continues in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

(d) *ACTIONS AND OFFENSES UNDER PRIOR LAW.*—An action taken or an offense committed under a law replaced by this Act is deemed to have been taken or committed under the corresponding provision enacted by this Act.

(e) *INFERENCES*.—An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of a caption or catch line of the provision.

(f) *SEVERABILITY*.—If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision enacted by this Act is held invalid in any of its applications, the provision remains valid for all valid applications that are severable from any of the invalid applications.

**SEC. 11. REPEALS.**

(a) *INFERENCES OF REPEAL*.—The repeal of a law by this Act may not be construed as a legislative inference that the provision was or was not in effect before its repeal.

(b) *REPEALER SCHEDULE*.—The laws specified in the following schedule are repealed, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before the date of enactment of this Act:

*Schedule of Laws Repealed*  
*Statutes at Large*

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code	
			Vol- ume	Page	Title	Section
1972 Oct. 20	92-513 ....	503, 511 .....	.....	.....	15	2003, 2011
1975 Dec. 22	94-163 ....	301“Sec. 511” .....	89	915 .....	15	2011
1980 Feb. 18	96-193 ....	305 .....	94	57 .....	49 App.	2125
1982 Sept. 3	97-248 ....	505, 507, 508, 513 ...	96	677, 679, 682, 689 ...	49 App.	2204, 2206, 2207, 2212
1992 Oct. 24	102-508 ..	304(c) .....	106	3308 .....	49	1682(note)
1993 Dec. 8	103-182 ..	371 .....	107	2127 .....	15	2003
1994 May 26	103-260 ..	102-107, 109 .....	108	698, 700 .....	49 App.	2204, 2204(note), 2206, 2206(note), 2207, 2212
July 5	103-272 ..	4(c) .....	108	1361 .....	.....	.....
Aug. 17 .....	103-298 ..	.....	108	1552 .....	49	4010 (note)

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